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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: R. Dutta et al. Examiner: Cuong H. Nguyen
Serial No.: 09/737,339 Group Art Unit: 3625
Filed: December 15, 2000 Docket No.: AUS920000505US1
TITLE: METHOD, SYSTEM, AND PROGRAM FOR TRANSFERRING DATA
BETWEEN SERVERS THROUGH A CLIENT COMPUTER OVER A
NETWORK

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office at
571-273-8300 on December 15, 2005

David W. Victor

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request review of the final rejection in the above identified application. No amendments are being filed with this request.

This request is being field with a notice of appeal.

This review is requested for the reasons stated on the following sheets.

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Docket No. AUS920000505US1
Firm No. 0072.0037

REASONS FOR REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

The Examiner rejected claims 1-6, 9-11, and 14-16 as obvious (35 U.S.C. §103) over the article "How to Write and Use ActiveX Controls for Microsoft Windows CE 2.1 (Microsoft, June 1999) (referred to herein as "Microsoft") in view of "Flexi Web Strategy Targets ActiveX First, Java Maybe" (Copyright 1996, Washington Post Newsweek Interactive) (referred to herein as "Flexi"). Applicants request review of this decision which is erroneous and fails to establish the prima facie case for the following reasons.

Claim 1 concerns transferring data from a first server to a second server through a client computer over a network, and requires that the client computer performs: downloading and displaying content in a first page from the first server; downloading and displaying content in a second page from the second server including transfer data to communicate to the first server; displaying the transfer data with the content from the first page; and communicating the transfer data to the first server.

The cited Flexi mentions that ActiveX will provide the ability to download components and that the downloaded objects persist on the desktop after the session. The Examiner has not identified any part of Flexi that teaches or suggests the specific claim requirements that the client computer download and display a first and second pages from a first and second servers, respectively, and then transfer the transfer data displayed in the second page to the first server and also display the transfer data with the content in the first page (from the first server)

The Examiner further cited the Microsoft article as rendering obvious many of the above claim requirements. The Examiner did not cite any specific sections of the Microsoft article, which is several pages in length. The Microsoft article mentions that Active X is a software architecture that provides a foundation for software services, such as OLE, which is a technology for transferring and sharing information among applications. (Microsoft, pg. 1, par. 4) The Microsoft article further mentions that if users downloading a page become frustrated because a page with a large component was taking too long to download, they could find Web content elsewhere. (Microsoft, pg. 2, par. 2).

Although the Microsoft article discusses ActiveX software which allows data to be transferred and shared among applications, nowhere does the above cited Microsoft article anywhere teach or suggest the specific claim requirements for sharing information by having the

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client computer download and display a first and second pages from a first and second servers, respectively, then transfer the transfer data displayed in the second page to the first server and also display the transfer data with the content in the first page (from the first server).

Applicants submit that the rejection of claim 1 is erroneous because nowhere do the cited articles, alone or in combination, anywhere teach, suggest or mention the specific combination of claim requirements that a client computer download two pages from two servers and then cause transfer data displayed in the second page (from a second server) to be displayed in a first page (from a first server) and also communicate that transfer data (in the second page from the second server) to the first server.

Applicants further submit that the rejection of claim 1 in view of Santoro (U.S. Patent No. 6,724,403) is also erroneous.

The cited abstract and FIG. 1 of Santoro mentions displaying information from a variety of sources on a display device and how to organize the display of that information. Applicants submit that this discussion in Santoro of displaying windows of data from different sources nowhere teaches the specific claim requirements for sharing information by having the client computer download and display a first and second pages from a first and second servers, respectively, then transfer the transfer data displayed in the second page to the first server and also display the transfer data with the content in the first page (from the first server).

The Examiner states that amending the reference to perform the claimed operations would be obvious. Applicants submit this finding is erroneous because the Examiner has not cited any art that teaches or suggests the specific claimed operations for sharing information between pages from different servers to transfer the content from one server to the other. The Examiner's do not establish the prima facie case because they have no support in any of the cited references, and instead rely on hindsight modifications to the cited art.

Applicants further submit that the rejection of claims 9, 14, and 21 was erroneous because these claims include the distinguishing requirements of claim 1.

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Conclusion

For all the above reasons, Applicants submit that the rejection of the pending claims was erroneous and should be withdrawn for the reasons discussed above.

The attorney of record invites the Examiner or the Review Board to contact him at (310) 553-7977 if the Review Board believes such contact would advance the prosecution of the case.

Dated: December 15, 2005

By: 

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TO: Commissioner for Patents
Attn: Examiner Cuong H. Nguyen
Group Art Unit 3625
Patent Examining Corps
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FROM: David W. Victor

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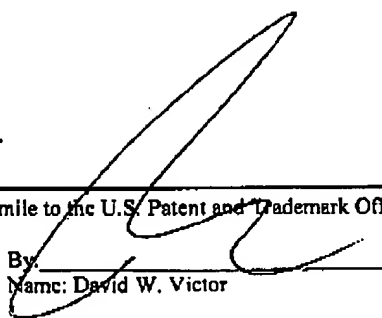
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